IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/790,966	Conf. No.:	2143
Inventor:	Gaur et al.		
Filed:	March 2, 2004		
TC/AU:	2432		
Examiner:	Cordelia P. Kane		
Docket No.:	RPS920020014US1 (IRA-10-6345)		
Customer No.:	26675		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

REPLY BRIEF

Dear Sir:

In response to the Examiner's Answer mailed May 20, 2009, please reconsider the above-identified application in view of the following comments:

Response to Argument begins on page 2 of this paper.

Response to Argument

With respect to **claims 1, 12 and 22**, the Examiner's Answer asserts that Ganesan et al. teaches classifying packets based on the type of packet, and then controlling bandwidth by using a selective-drop algorithm that controls the incoming bandwidths of the traffic classes (p. 11, ¶ [0128]). Appellants respectfully disagree. Instead, the cited section of Ganesan et al. teaches that when a packet arrives in a multiprocessing system, it is first classified to determine in which traffic class it belongs. Once this classification has been made, the packet is placed in a queue along with other packets of the same class (¶ [0128]). The scheduler chooses packets for transmission from the queues in such a way that the relative bandwidth allocation among the queues is maintained (¶ [0128]). If packets for a given class arrive faster than they can be drained from the respective queue (i.e. the class is consuming more bandwidth than has been allocated for it) the queue depth will increase and the senders of that traffic class must be informed to lower their transmission rates before the queue completely overflows (¶ [0128]): thus the Ganesan et al. selective-drop algorithm increases queue sizes (depths) rather than discards portions of data associated with a particular information flow based on an identified priority.

Moreover, if packets must be dropped due to a particular queue being full under the teachings of Ganesan et al., one skilled in the art would recognize that the choice of packet dropped is necessarily dependent upon the order of the packet within the queue (e.g. oldest or last under first-in-first-out policies, etc.) which teaches away from the priority of information flow independent of an order in which the data is stored in the memory and any contentions for memory as specifically claimed by claim 1. As such, Ganesan et al. is silent with respect to using a selective-drop algorithm that controls the incoming bandwidths of the traffic classes by discarding portions of data associated with a particular information flow based on an identified priority as required by the subject claims.

The Examiner's Answer also asserts that Ganesan et al. also teaches that when a packet cannot be classified, there is an error, and the packet is dropped (p. 9, ¶ [0106]) The Examiner's Answer concludes that the packet is dropped based on the assigned

priority "since it cannot be classified." Appellants respectfully disagree: the failure to assign a priority cannot logically teach taking an action in response the presence of an assigned priority without nullifying the meaning and import of the terms specifically claimed. This section of Ganesan et al. is silent with respect to the packet being assigned a priority since it cannot be classified, and then dropping the packet based on the assigned priority.

In view of the foregoing, this rejection should be reversed.

As to those matters not specifically addressed in this paper, the Board's attention is respectfully directed to Appellant's argumentation of record in this case, and particularly to the Appeal Brief.

Conclusion

In view of the foregoing, it is submitted that the pending claims distinguish patentably and non-obviously over the prior art of record. Reversal of the outstanding rejections is respectfully requested.

Respectfully submitted,

Michael J. Corrigan, Reg. No. 42,440
CUSTOMER NO. 26675